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Specially Appearing for Defendants
GILE R. DOWNES, ESQ. and SCHULTE,
ANDERSON, DOWNES, ARONSON & BITTNER,
P.C.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

WILLIAM T. RUPERT, an individual,

Plaintiff,

vs.

SUSAN BOND, an individual; GILE R.
DOWNES, ESQ., an individual; IRENE
E. RUPERT, an individual; SCHULTE,
ANDERSON, DOWNES, ARONSON &
BITTNER, P.C., a Professional
Corporation and DOES 1 to 20,

Defendants.

CASE No. 5:09-cv-02758 JF (RS)

**DECLARATION OF GILE R. DOWNES IN
SUPPORT OF DEFENDANTS' MOTION
TO DISMISS FOR LACK OF PERSONAL
JURISDICTION (FRCP 12(b)(2))**

Date: January 8, 2010
Time: 9:00 a.m.
Dept: Courtroom 3, 5th Floor
Judge: Hon. Jeremy Fogel

Action Filed: July 22, 2009

I, Gile R. Downes, declare:

1. This declaration is submitted in support of the Motion to Dismiss for Lack of Personal Jurisdiction of Defendants GILE R. DOWNES and SCHULTE, ANDERSON, DOWNES, ARONSON & BITTNER, P.C. (collectively "Defendants"). I have personal knowledge of all facts set forth in this declaration and, if called upon to testify as a witness, could and would competently testify thereto.

2. I was served with the First Amended Complaint in this action in Oregon and have not consented to jurisdiction in California.

1 3. I have been a resident of Oregon since 1969, the year I moved to Oregon after
2 graduating from law school. The same year, I joined the Oregon State Bar Association and began
3 the practice of law in Portland, Oregon.

4 4. In 1974, I joined Davis, Jensen, DeFrancq & Holmes, Schulte Anderson's
5 predecessor law firm, as an attorney and have been associated with the firm or its successor as
6 partner, shareholder or employee since then.

7 5. I have never been admitted to the State Bar of California and have never practiced
8 law in the State of California.

9 6. My law practice is limited to representing clients in Oregon and is focused on real
10 estate, business and estate planning and settlement.

11 7. I have not and do not solicit or advertise for business in California.

12 8. Other than this case, I have never been a plaintiff or defendant in litigation pending
13 in any court in California, have never appeared before a California court on behalf of a client, or
14 ever opined on or counseled a client concerning California law.

15 9. Schulte Anderson or its predecessor is an Oregon professional corporation with its
16 principal place of business located at 811 SW Naito Parkway, Suite 500 in Portland, Oregon.

17 10. Schulte Anderson was served with the First Amended Complaint in Oregon and
18 does not consent to jurisdiction in California.

19 11. Schulte Anderson was founded in Portland in 1909 and has maintained its office in
20 that city ever since.

21 12. Schulte Anderson does not and has never maintained an office outside of Portland,
22 Oregon.

23 13. Each of Schulte Anderson's nine attorneys is a resident of and licensed to practice
24 law in Oregon. While two attorneys at Schulte Anderson are also licensed to practice in
25 Washington and two are licensed to practice in Illinois, none of the nine attorneys is licensed to
26 practice in California.

27 14. Schulte Anderson's practice relates to advising clients regarding Oregon or
28 Washington law.

1 15. Schulte Anderson does not solicit or advertise for business in California, and has
2 not done so since I have been associated with the firm.

3 16. No Schulte Anderson attorney has practiced or currently practices law in
4 California or advises clients regarding the application of California law.

5 17. In May 2009, Irene Rupert, wife of the late Samuel J. Rupert, retained me as
6 counsel to advise her regarding her own estate planning and her role as administrator of her late
7 husband's trust.

8 18. I have never represented Plaintiff, who is the only party in this action with any
9 connection to California. No other attorney associated with Schulte Anderson has ever
10 represented Plaintiff.

11 19. I am the only Schulte Anderson attorney who has represented Irene Rupert.

12 20. The work I performed for Mrs. Rupert concerns her late husband's trust, her
13 personal estate planning and her rights and duties under Oregon law.

14 21. I have sent correspondence to Plaintiff in California that relates to the rights and
15 obligations of my Oregon client and her and her late husband's trust. I have not traveled to
16 California for a deposition, interview, or any purpose in connection with this case.

17 22. None of the potential witnesses in this case is located in California. They include:
18 Oregon residents - Irene Rupert and Susan Bond, Plaintiff's mother and sister, respectively, and
19 possibly lawyers associated with Schulte Anderson; and Michigan residents - James Rupert,
20 Plaintiff's brother, and Alan E. Price, the attorney who originally prepared the estate plans for
21 Plaintiff's parents.

22 I declare under penalty of perjury, under the laws of the United States, that the foregoing
23 is true and correct.

24
25 Dated: November _3_, 2009

By

/s/ Gile R. Downes
GILE R. DOWNES

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